REMARKS

A. Status of the Claims and Explanation of the Amendments

Currently, claims 1-20 are pending and are presented for examination. Claims 1, 3, 4, 6, 7, 11, 13, 15, and 16 have been rejected under 35 U.S.C. §102(b) for allegedly being anticipated by U.S. Patent No. 5,920,080 to Jones ("Jones"). Claims 1, 3-4, 6, 11, 13, and 15 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,522,488 to Roitman ("Roitman"). Claims 5 and 14 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Jones. Claims 2, 5, 12, 14, and 20 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Roitman. Claims 8-9 and 17-18 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Jones, in view of U.S. Patent No. 5,099,172 to Taguchi ("Taguchi"). Claims 8-9 and 17-18 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Roitman, in view of Taguchi. Claims 10 and 19 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Jones, in view of U.S. Patent No. 5,892,080 to Osawa ("Osawa"). Claims 10 and 19 were also rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Roitman, in view of Osawa.

In this paper, Applicant has amended claims 1 and 11 by incorporating the subject matter from claims 2 and 12, respectively. Claims 2 and 12 have been cancelled accordingly. No new matter has been added by these amendments.

B. Applicant's Claims Are Not Anticipated by the Cited References

Applicant respectfully traverses the rejection of claims 1, 3, 4, 6, 7, 11, 13, 15, and 16 under 35 U.S.C. §102(b) for allegedly being anticipated by Jones, as well as the rejection of claims 1, 3, 4, 6, 11, 13, and 15 under 35 U.S.C. §102(e) for allegedly being anticipated by

Roitman. Briefly, none of these references teaches all of the claim elements recited in Applicant's amended claims. Accordingly, the rejections should be withdrawn. MPEP §2131.

1. Jones Does Not Teach, Disclose, or Suggest "A Protective Film" As Recited in Applicant's Claims

Jones is directed to an emissive display using organic light emitting diodes. According to the Office Action,

> Jones teaches a color display in Fig. 3 that comprises a substrate (130) and organic electroluminescent display device including an organic electroluminescent layer (300), a passivation film (540), a color filter (520) located on the passivation film (540), and a mar-proof film (510) coating the color filter to protect it from damage [Office Action, page 2].

Applicant notes, however, that the alleged "mar-proof film" (510) is actually a transparent cover glass according to Jones's specification [see, e.g., col. 9, lines 37-42]. Moreover, Jones specifies that the transparent cover glass 510 "preferentially is formed from silicon and has a thickness of approximately 0.2 mm thick" [col. 9, lines 39-40]. Jones does not explicitly disclose that the transparent cover glass can be any other material other than silicon.

In direct contrast, Applicant's amended claim 1 recites, inter alia, " [a] color display unit comprising...a mar-proof protective film coating...wherein the protective film is formed of an ultraviolet curing acrylic resin, which is cured with ultraviolet rays after being applied to the color filter". Nowhere does Jones teach, disclose, or suggest a "protective film" as recited in Applicant's independent claim 1. Accordingly, the §102(b) rejection of claim 1, and the corresponding dependent claims over Jones should be withdrawn. MPEP §2131.

For at least similar reasons, the rejection of amended independent claim 11, as

well as the corresponding dependent claims, should be withdrawn as well. Reconsideration and withdrawal of the rejections of claims 1, 3, 4, 6, 7, 11, 13, 15, and 16 under 35 U.S.C. §102(b) are respectfully requested.

2. Roitman Does Not Teach, Disclose, or Suggest "A Protective Film" As Recited in Applicant's Claims

Roitman is directed to an organic electroluminescent device. According to the Office Action

> Fig. 5 of the Roitman reference discloses a color display that comprises a substrate (313) an organic electroluminescent display device including an organic electroluminescent layer (135), a passivation film (120), a color filter (115) located on the passivation film (120), and a mar-proof protective film (161) coating the color filter (115) [Office Action, page 4]. .

Roitman specifies that protective material layer 161 may be made of "adhesives and glass, or some other impermeable transparent barrier, for example, one formed by transparent SiN_x or SiO_x. This layer serves to insulate all internal layers from moisture and oxygen which might otherwise detract from the device's useful life" [Roitman, col. 8, lines 32-35]. However, nowhere does Roitman teach or suggest that protective material layer 161 may be "formed of an ultraviolet curing acrylic resin, which is cured with ultraviolet rays after being applied to the color filter" as recited in Applicant's amended claim 1 and corresponding dependent claims."

Similarly, Applicant respectfully submits that amended claim 11 and its corresponding dependent claims are not anticipated by Roitman either.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections of Applicant's claims under §102.

C. Applicant's Claims Are Patentable Over the Cited References

Applicant respectfully traverses the rejection of claims 5 and 14 under 35 U.S.C. §103(a) as allegedly being unpatentable over Jones; the rejection of claims 2, 5, 12, 14, and 20 under 35 U.S.C. §103(a) as allegedly being unpatentable over Roitman; the rejection of claims 8-9 and 17-18 under 35 U.S.C. §103(a) as allegedly being unpatentable over Jones, in view of Taguchi; the rejection of claims 8-9 and 17-18 under 35 U.S.C. §103(a) as allegedly being unpatentable over Roitman, in view of Taguchi; the rejection of claims 10 and 19 under 35 U.S.C. §103(a) as allegedly being unpatentable over Jones, in view of Osawa; and the rejection of claims 10 and 19 under 35 U.S.C. §103(a) as allegedly being unpatentable over Roitman, in view of Osawa.

As set forth in detail below, Applicant's traversal is based on several grounds, including (1) the cited references fail to teach or disclose all of the claim elements; (2) certain references teach away from the proposed modification.

1. Claims 5 and 14 are Patentable Over Jones

In rejecting claims 5 and 14, the Office Action alleges that Jones teaches all of the claim elements of claims 5 and 14, with the exception of an "active drive element being located on the substrate and on the same plane as the organic electroluminescent device". The Office Action admits that Jones does not teach this claim element, but nevertheless argues that the claimed position of the active drive element could be achieved by a routine rearrangement of parts, citing *In re Japikse* 86 USPQ 70.

Applicant, however, notes that claims 5 and 14 depend from claims 1 and 11,

respectively, and that Jones does not teach, disclose, or suggest the "protective film" as recited in these claims. Accordingly, Jones does not teach, disclose, or suggest all of the claim elements of Applicant's claims 5 and 14. Accordingly, the rejection of claims 5 and 14 should be withdrawn. MPEP §2143.

2. Claims 2, 5, 12, 14, and 20 Are Patentable Over Roitman

Applicant respectfully traverses the rejection of claims 2, 5, 12, 14, and 20 over Roitman.[1] With respect to the rejection of claims 2, 12, and 20, it appears that the Office Action has confused two distinct steps of Roitman's fabrication process. Specifically, the Office Action argues that

> ***Roitman [teaches] that conventional deposition methods of protective films are performed at 300 degrees Celsius, and that using such methods would damage or destroy most EL materials, which typically do not survive temperatures of 140-160 degrees Celsius and above. Roitman states that "cool" dielectric semiconductor deposition processes (ones where the substrate is not heated above 140 degrees) should be used.*** Roitman does not specifically state the use of an ultraviolet curing resin as the mar-proof protective coating. However, the use of UV-curable acrylic resins as hard coats (mar-proof protective film coatings) is well known in the art, especially in cases where previously deposited layers would be vulnerable to subsequent heating processes [Office Action, page 6. emphasis added].

The portion of the Office Action's argument that is set off by bold italics as shown above appears to be a paraphrasing of col. 7, lines 6-14 of Roitman. However, Applicant respectfully notes that the paraphrased portion of Roitman pertains to the fabrication of Roitman's protective

[1] Technically, the rejection of claims 2 and 12 is moot, because Applicant has requested the cancellation of these claims in this paper. However, since Applicant has incorporated the elements of claims 2 and 12 into claims 1 and 11, respectively, Applicant addresses here the rejection of claims 2 and 12, in the event that a similar rejection is contemplated against claims 1 and 11.

layer 120, and not the protective material layer 161. This can be seen by reading Roitman, beginning at col. 6, line 34 to col. 7, line 21, and by noting the relative position of the transparent protective layer to the EL layers. Because the transparent protective layer is applied directly after electrode/EL layer fabrication, the transparent protective layer must refer to protective layer 120, and not protective material layer 161 (see also Roitman, Figure 2).

Unlike the case for protective layer 120, the description of the fabrication of protective material layer 161 is completely silent on any need for "cool dielectric semiconductor deposition processes." Instead, Roitman merely states the following:

> Once fabrication of the color filters has been completed, the entire assembly is sealed using a protective material layer 161 such as adhesives and glass, or some other impermeable transparent barrier, for example, one formed by transparent SiNx or SiOx. This layer serves to insulate all internal layers from moisture and oxygen which might otherwise detract from the device's useful life. [Roitman, col. 8, lines 29-36].

Furthermore, Applicant respectfully notes that the "cool" dielectric semiconductor processes discussed by Roitman are directed towards protecting against damaging the exposed EL materials that had been formed on the substrate during the prior fabrication step [see Roitman, col. 7, lines 6-10]. There is no teaching by Roitman, express or otherwise, that similar precautions need to be taken after such EL materials have been capped by Roitman's protective layer 120. Nor is there any teaching, express or otherwise, that the color filters that are exposed immediately prior to the deposition of protective material layer 161 are sensitive to high temperature deposition in the same way that the EL materials are so that "cool" dielectric semiconductor deposition processes are necessary. Simply put, the Office Action has not shown that the Roitman's requirement of "cool" dielectric semiconductor processes applies to protective

material layer 161.

On the basis of these observations, it does not appear that Roitman provides any motivation to make the modification proposed by the Office Action. None of the so-called "other prior art" references cited at the end of the Office Action for alleged teaching of using UV-curable acrylic hard coats (*i.e.*, U.S. Patent 6,681,121 to Matsunaga; U.S. Patent 6,773,121 to Miyatake; U.S. Patent 6,579,737 to Yoneda, or U.S. Patent 5,561,208 to Takahashi) cure this deficiency of Roitman. For example, none of the alleged "other prior art" references suggest, expressly or otherwise, that it would be desirable to use a UV-curable acrylic film instead of adhesives and glass, transparent SiNx or transparent SiOx for a protective material layer 161 as taught in Roitman. Moreover, Applicant maintains that the mere fact that the UV-curable acrylic film could be used is not sufficient to establish prima facie obviousness, the prior art must also suggest the desirability of the combination. *See* MPEP §2143.01. Thus, Applicant respectfully maintains that the current rejections of claims 2, 12, and 20 are based on impermissible hindsight reconstruction. See MPEP §§ 2143 and 2145.

With respect to claims 5 and 14, Applicant noted above that these claims depend from claims 1 and 11, and that Roitman does not appear to teach, disclose, or suggest the "protective film" recited in claims 1 and 11. Accordingly, Roitman also fails to teach, disclose or suggest all of the claim elements of claims 5 and 14. Thus, the rejection of these claims should be withdrawn. MPEP §2143.

3. Claims 8-9 and 17-18 Are Patentable Over Jones, In View of Taguchi

Applicant respectfully traverses the rejection of claims 8-9 and 17-18 as being unpatentable over Jones, in view of Taguchi. As noted above, Jones fails to teach, disclose, or

suggest a " protective film" as recited in claims 1 and 11, from which claims 8-9 and 17-18 depend, respectively.

Taguchi does not cure the deficiencies of Jones, because it also fails to teach, disclose, or suggest a "protective film" as recited in Applicant's claims 8-9 and 17-18. Because the combination of Jones and Taguchi fails to teach, disclose, or suggest all of the claim elements of claims 8-9 and 17-18, the rejection should be withdrawn.

4. Claims 8-9 and 17-18 Are Patentable Over Roitman, In View of Taguchi

Applicant respectfully traverses the rejection of claims 8-9 and 17-18 as being unpatentable over Roitman, in view of Taguchi. As noted above, Roitman fails to teach, disclose, or suggest a " protective film" as recited in claims 1 and 11, from which claims 8-9 and 17-18 depend, respectively.

Taguchi does not cure the deficiencies of Roitman, because it also fails to teach, disclose, or suggest a "protective film" as recited in Applicant's claims 8-9 and 17-18. Because the combination of Jones and Taguchi fails to teach, disclose, or suggest all of the claim elements of claims 8-9 and 17-18, the rejection should be withdrawn.

4. Claims 10 and 19 Are Patentable Over Jones, In View of Osawa

Applicant respectfully traverses the rejection of claims 10 and 19 as being unpatentable over Jones, in view of Osawa. As noted above, Jones fails to teach, disclose, or suggest a " protective film" as recited in claims 1 and 11, from which claims 10 and 19 depend, respectively.

Osawa does not cure the deficiencies of Jones, because it also fails to teach,

disclose, or suggest a "protective film" as recited in Applicant's claims 10 and 19. Because the combination of Jones and Osawa fails to teach, disclose, or suggest all of the claim elements of claims 10 and 19, the rejection should be withdrawn.

5. Claims 10 and 19 Are Patentable Over Roitman, In View of Osawa

Applicant respectfully traverses the rejection of claims 10 and 19 as being unpatentable over Roitman, in view of Osawa. As noted above, Roitman fails to teach, disclose, or suggest a " protective film" as recited in claims 1 and 11, from which claims 10 and 19 depend, respectively.

Osawa does not cure the deficiencies of Roitman, because it also fails to teach, disclose, or suggest a "protective film" as recited in Applicant's claims 10 and 19. Because the combination of Roitman and Osawa fails to teach, disclose, or suggest all of the claim elements of claims 10 and 19, the rejection should be withdrawn.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 5000-5107. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 5000-5107. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
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